

REMARKS

Applicant wishes to thank the Examiner for the careful consideration given to this application. Claims 1-3, 7, 8, 10, 13, 17, 19, 21, 24, 26, 27, 31, 34, 35, 38-40, 43 and 46 are pending in this application. No claim amendments are submitted at this time.

The Examiner has restricted the application into three (3) invention groups broken down as follows:

- I. Claims 1-3, 7-8, 10, 13, 17, 19, 21, 24, 26, 27 and 31, drawn to a turnout apparatus;
- II. Claims 34-35 and 38, drawn to apparatus for facilitating single line working; and
- III. Claims 39-40, 43 and 46, drawn to pot sleeper.

Applicant provisionally elects, with traverse, Invention I as defined by claims 1-3, 7-8, 10, 13, 17, 19, 21, 24, 26, 27 and 31, drawn to a turnout apparatus. The Examiner has further required an election of species of the generic invention. Therefore, in order to be fully responsive, Applicant provisionally elects, with traverse, Species II, the alternative embodiment shown in Figures 19a-19f and 23a-23d.

It is respectfully submitted that the search classification for at least Inventions I and II will substantially overlap at least because the apparatus of Invention I shares elements with the apparatus of Invention II. Applicant respectfully submits that such searches can be concurrently performed and that the Examiner will not be seriously burdened by searching and considering the inventions as described in all the presently filed claims. Accordingly, Applicant respectfully requests withdrawal of the Restriction Requirement from Inventions I and II.

Additionally, the Examiner alleges that the application contains claims directed to more than one species and that they are deemed to lack unity of invention because they are not linked to form a single general inventive concept. Applicant respectfully disagrees as the species are similar and relate to the same general inventive concept.

Additionally, it is respectfully submitted that the search classification for each invention species substantially overlap. Applicant respectfully submit that such search can be concurrently performed and that the Examiner will not be seriously burdened by searching and

considering the invention species as described in all the presently filed claims. Accordingly, Applicants respectfully request withdrawal of the Restriction Requirement from the inventions of Species 1 through V. Furthermore, Applicant believes that a species election as set forth in the Office Action is premature as there has been no determination made on the claims.

By this election, Applicant does not admit, nor does Applicant waive the right to argue against the Examiner's statement that the groups of inventions are patentably distinct at a later date. Applicant expressly reserves the right to present the claims of Inventions I, II or III, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

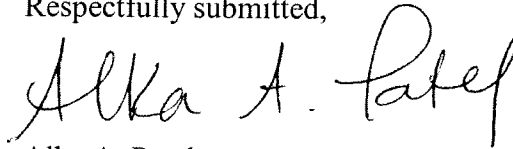
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Inventor: McCallum
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CONCLUSION

In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at her convenience.

Respectfully submitted,

A handwritten signature in black ink, reading "Alka A. Patel". The signature is fluid and cursive, with the first name "Alka" and last name "Patel" clearly distinguishable.

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